

**Remarks/Arguments:**

Applicants thank the Examiner for the opportunity to discuss the claims with him on March 10, 2004, and for his helpful suggestions.

Apparatus claims 1-26 have now been cancelled. Method claims 27-30 have been amended. Method claims 31-44 have been newly added.

**Section 103 Rejections**

Claims 27-28 have been rejected as being obvious in view of Roos and Johnson. Applicants respectfully submit that this rejection is overcome for the reasons set forth below.

Amended claim 27 now includes features which are not suggested by the cited references, namely:

- (a) obtaining by a user, from an appliance provider, the **appliance provider being separate from an electric power provider**, an appliance at a special purchase price; . .
- (f) charging **after installation of the appliance**, the user by the electric power provider a predetermined fee for the amount of power accumulated in step (e) **at a higher rate than a previous rate** charged by the electric power provider for consumed electricity; and
- (g) providing, by the electric power provider, **a portion of the calculated fee charged to the user in step (f) to the separate appliance provider to offset the special purchase price** ... .

Claim 27 has been amended to more clearly set forth that the user, the appliance provider, and electric power provider are **different entities**, as shown in Fig. 3. Claim 27 has also been amended to set forth that charging the user, by the electric power provider, is performed **after installation of the appliance**. Claim 27 has further been amended to replace the term "conventional rate" by "previous rate".

The invention, as recited in amended claim 27, advantageously provides the user an appliance at a **special purchase price**. After installing the appliance, the electric power provider charges a predetermined fee for the amount of power consumed by the appliance. The predetermined fee is set at a **higher rate than a previous rate** charged by the electric power provider for consuming electricity. The **electric power provider advantageously provides a portion of the fee charged to the user to the separate appliance provider in order to offset the special purchase price of the appliance**.

Roos discloses a method for providing an interface box between a digital network and a home. As admitted by the Office Action at page 2, Roos does **not** suggest purchasing the appliance at a special purchase price, where a part of the fee paid is allocated to the manufacturer (the appliance provider) that has sold the appliance. Furthermore, Applicants submit that Roos does **not** suggest separately measuring the electric power consumed by the appliance and transmitting the measurement value to a computer database. Instead, Roos discloses measuring all power consumed in the house using one standard meter, or one interface box. Roos does **not** separately measure power consumed by a specially purchased appliance. Furthermore, Roos does **not** suggest obtaining by a user from an

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appliance provider, who is a **separate entity from an electric power provider**, an appliance at a special purchase.

Johnson discloses a computer assisted sales system for utilities, where rebates are provided for purchasing or installing more energy efficient equipment. Johnson, however, does **not** suggest obtaining by a user, from an **appliance provider**, who is a **separate entity from an electric power provider**, an appliance at a special purchase price. Johnson also does **not** suggest charging the user, by the electric power provider, a fee for the power consumed by the appliance **at a higher rate than a previous rate** charged by the electric power provider for consumed electricity. Furthermore, Johnson does **not** disclose or suggest **providing by the electric power provider a portion of the calculated fee charged to the user to the separate appliance provider to offset the special purchase price.**

Reconsideration is requested for amended claim 27. Claims 28-30 depend from amended claim 27 and, therefore, are not subject to rejection in view of the cited references for at least the same reasons set forth for amended claim 27.

Claim 29 which depends from amended claim 27 has further been rejected in view of Yablonowski.

Yablonowski discloses a method for charging a fee to a user, where power saving devices are retrofitted into a user's facility, and a fee is determined as a function of a difference between the original power consumed and the new power consumed. Yablonowski discloses a lighting system that is upgraded by the electric power provider. The electric power provider provides both the upgraded system

and the electricity. Yablonowski discloses, for example, in Fig. 2, a single electric utility meter 9 for measuring the entire electric power consumed by the user.

Yablonowski, however, does **not** disclose a separate electric utility meter for measuring the amount of energy consumed by the upgraded lighting facility. Yablonowski uses the same meter before the system is upgraded and the same meter after the system is upgraded. Furthermore, Yablonowski does **not** suggest an appliance provider that is **a separate entity** from the electric power provider. Moreover, Yablonowski does **not** suggest **providing by the electric power provider a portion of the fee charged to the separate appliance provider to offset the special purchase price by the user**. Thus, Yablonowski does not disclose any of the features missing from Roos and Johnson, but included in amended claim 27, as previously discussed.

Claim 30, which depends from claim 27, has been rejected as being obvious over Roos, Johnson and further in view of Hart.

Hart discloses a system for non-intrusive appliance monitoring, where the power consumption of each of several appliances is monitored separately from the other appliances. Hart, however, does **not** disclose any of the features missing from Roos and Johnson, but included in amended claim 27, as discussed previously.

Reconsideration is respectfully requested for amended claims 27-30.

#### **Newly Added Claims 31-44**

Basis for new method claims 31-44 may be seen, for example, in now cancelled claims 2, 4-5, 8, 10, 12-13, 15-16, 19 and 21-23. The following table shows a correspondence between features in claims 31-44 and similar features originally recited in the cancelled claims.

<u>New Method Claim</u>	<u>Feature(s) taken from Canceled Claim</u>
31	2
32	2
33	4
34	5
35	8
36	10
37	12
38	13
39	15
40	16
41	19
42	21
43	22
44	23

Claims 35-36 depend from amended claim 27. Claims 35-36 are, therefore, not subject to rejection in view of the cited references for at least the same reasons set forth for amended claim 27.

Independent claim 37 includes the following features:

- (a) obtaining by a user, from an appliance provider, **the appliance provider being separate from an electric power provider**, an appliance operable in either (a) a first mode using a previous rate charged by the electric power provider for the amount of power consumed by the appliance, or (b) **a second mode using a higher rate than the previous rate** charged by the electric power provider for the amount of power consumed by the appliance;
- (b) **operating by the user the appliance** obtained in step (a) **in the second mode**; . . .

- (f) charging, **after installation of the appliance**, the user by the electric power provider a predetermined fee for the amount of power accumulated in step (e) **at the higher rate than the previous rate charged by the electric power provider for consumed electricity**;
- (g) providing, by the electric power provider, a **portion of the calculated fee charged to the user** in step (f) **to the separate appliance provider to offset a special purchase price provided to the user for operating the appliance in the second mode**, and
- (h) providing the user the **special purchase price for obtaining the appliance** from the appliance provider, the **special purchase price being lower than a previous purchase price of the appliance**.

Although not the same, claim 37 includes features similar to amended claim 27. These features include the following: The user, the appliance provider, and the electric power provider are separate entities. The user obtains an appliance that he may operate either in a first mode or a second mode. The second mode **charges a higher rate than the previous rate charged by the electric power provider for the amount of power consumed by the appliance. After the appliance is installed**, the user is charged by the electric power provider a predetermined fee at a higher rate than the previous rate charged by the electric power provider for consumed electricity. Moreover, the **electric power provider provides a portion of the calculated fee charged to the user to the separate appliance provider to offset a special purchase price provided to the user for operating the appliance in the second mode**. Finally, the user is provided the appliance at a

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special purchase price from the appliance provider, **the special purchase price being lower than a previous purchase price of the appliance.**

These features, as discussed previously with respect to claim 27, are not suggested by any of the cited references. Favorable consideration is requested for newly added claim 37. Claims 38-44 depend from claim 37 and are, therefore, not subject to rejection in view of the cited references for at least the same reasons set forth for amended claim 27.

### **Conclusion**

Claims 1-26 have been cancelled. Claims 27-44 are in condition for allowance.

Respectfully submitted,

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